

Joint House and Senate Judiciary Committee
Testimony in Support of Amending Juvenile Life Without Parole Sentencing
(House Bills 4806-4809)

Submitted by Michelle Weemhoff
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My name is Michelle Weemhoff and I am the Associate Director at the Michigan Council on Crime and Delinquency (MCCD), a non-partisan, non-profit organization dedicated to improving the effectiveness of policies and systems aimed at reducing crime. The practice of sentencing young people to prison for life without the possibility of parole has been a particular concern for our organization. Michigan's current laws contradict youth development research, deny discretion to the judiciary and the parole board, and violate the Constitutional rights of Michigan's youngest citizens.

MCCD recognizes that this issue is deeply emotional for all of the individuals and families impacted by these crimes. Therefore, we greatly appreciate the thoughtfulness and effort of both the House and Senate Judiciary Committee members to effectively explore research-based solutions. As such, MCCD strongly supports passage of House Bills 4806-4809 as a thoughtful and research-based approach to addressing a complex and poignant issue.

Under current Michigan law, a child as young as fourteen years old can be automatically waived to adult court, convicted, and mandatorily sentenced to life in prison without the possibility of parole - with no consideration of how age, development, or offense circumstances may affect competency in court or culpability for the crime.

These laws contradict the steadily growing body of adolescent development research documenting the neurological, cognitive, psychosocial, and emotional differences that distinguish youth from adults. Specifically, the research suggests that, as part of normal development, teens are more inclined to take risks, make impulsive decisions, and easily succumb to peer pressure.

Based on this scientific evidence, the U.S. Supreme Court has made clear that children must be treated differently than adults in the criminal justice system. In 2005, the Court abolished the juvenile death penalty in *Roper v. Simmons*. In 2010, *Graham v. Florida* eliminated the sentence of juvenile life without parole for non-homicide offenses. Two years later, the Court established a "reasonable child" standard in *J.D.B. v. North Carolina*. And most recently, in the joint cases of *Miller v. Alabama* and *Jackson v. Hobbs*, the Court deemed mandatory sentences of life without parole for those under age 18 as cruel and unusual punishment.

Under *Miller*, the Supreme Court reasoned that mandatory penalty schemes are unconstitutional because it prevents the judiciary from "considering a juvenile's lessened culpability and greater capacity for change." The Court clearly states that each sentence must "take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison."

The Michigan House bills rightly allow the court and the parole board to consider individual factors, including the teen's age, character and record, family life, mental and emotional development, circumstances of the offense, including the extent of his or her participation in the crime, whether familial or peer pressure may have affected the person, and potential for rehabilitation. The bills also allow for the parole board to consider the offender's risk to the community based on an assessment tool that is applied to all prisoners who are considered for parole.

It also appears that the Miller ruling retroactively applies to over 350 people in Michigan who are currently serving this sentence. According to the U.S. District Court of Eastern Michigan in the ongoing *Hill v. Snyder* case, all individuals in Michigan serving life sentences for crimes committed when they were under 18 are eligible for parole. In his ruling, Judge O'Meara stated, "Indeed, if ever there was a legal rule that should—as a matter of law and morality—be given retroactive effect, it is the rule announced in Miller... To hold otherwise would allow the state to impose unconstitutional punishment on some persons but not others, an intolerable miscarriage of justice."

Given these numerous considerations, the Michigan Council on Crime and Delinquency urges the passage of House Bills 4806-4809 as a way to effectively address the constitutional obligations affirmed by the U.S. Supreme Court and provide a necessary pathway for courts and the parole board to weigh the individual circumstances of each case.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michelle Weemhoff". The signature is written in a cursive, flowing style.

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